

JAMES R. HAWKINS, APLC

James R. Hawkins, Esq. SBN 192925
Gregory E. Mauro, Esq. SBN 222239
9880 Research Drive, Suite 200
Irvine, CA 92618
TEL: (949) 387-7200
FAX: (949) 387-6676

Attorneys for Plaintiff, JAMES R. RUDSELL, on behalf of
himself and all others similarly situated

MARLIN & SALTZMAN, LLP

Stanley D. Saltzman, Esq. (SBN 90058)
29800 Agoura Road, Suite 210
Agoura Hills, California 91301
Telephone: (818) 991-8080
Facsimile: (818) 991-8081
ssaltzman@marlinsaltzman.com

SETAREH LAW GROUP

Shaun Setareh, (SBN 204514)
315 South Beverly Drive, Suite 315
Beverly Hills, CA 90212
Telephone: (310) 888-7771
Facsimile: (310) 888-0109shaun@setarehlaw.com
Attorneys for Plaintiffs GILBERT SAUCILLO, et al

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOHN BURNELL, JACK POLLOCK,
and all others similarly situated,

Plaintiffs,

v.

SWIFT TRANSPORTATION CO. OF
ARIZONA, LLC,

Defendant.

CASE NO. EDCV 12-00692 VAP OPx
Related Case: **5:10-CV-00809-VAP (OPx)**
(Assigned to the Hon. Virginia A.
Phillips)

**DECLARATION OF JAMES
RUDSELL IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL, ATTORNEYS' FEES,
COSTS, SERVICE AWARDS, AND
ADMINISTRATION COSTS**

Date: December 2, 2019

Time: 02:00 p.m.

Room: 8A – First Street

Complaint Filed: March 22, 2010

Trial Date: None Set

DECLARATION OF JAMES RUDSELL

I, James Rudsell hereby declare and state:

1. I am an individual over the age of eighteen. I am a named plaintiff in this lawsuit. I submit this declaration in support of the motion for final approval. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I worked as a driver for Defendant Swift Transportation Company of Arizona, LLC ('Swift') from June 2011 through approximately October 2011. I earned mileage based pay for my work during most the time I worked for Swift. I lived in California during the entire time I worked for Swift.

3. I understand that I am a named plaintiff and proposed class representative in this lawsuit. I understand that as a representative plaintiff, I will represent a class of other drivers who were employed by Swift to perform work in California and earned mileage based pay.

4. I understand that my lawsuit has been consolidated with another lawsuit filed by another former Swift driver named Gilbert Saucillo and that the consolidated case alleges that Swift drivers, including Mr. Saucillo and I, were not paid for all of our work time, were not provided meal and rest breaks, were not reimbursed for work-related expenses, were not paid timely paid final wages, and were not provided accurate wage statements.

5. To my knowledge, there are no conflicts which exist between my interests in this case and the interests of the other drivers I will represent that would impair my ability to serve as a representative. I have been an active participant in this case and have assisted in the investigation of this case. I have provided documents to my attorneys and have assisted in preparing filings and gathering facts.

1 6. I understand my duties and responsibilities to the proposed class.
2 Before signing the settlement agreement with Swift, I reviewed the agreement with
3 my lawyers and understand that it provides for at least \$4,273,333.33 to be paid
4 to Swift drivers, which I believe to be a fair and adequate result. I have not been
5 promised any compensation other than my proportionate share of the settlement
6 money and a \$5,000 incentive award for my work on this case.

7 7. I understand the class notice went out to the class members in September
8 2019 and there have been 11 valid requests for exclusions and 4 objections. After
9 consultation with my counsel, I continue to believe the settlement is fair and
10 reasonable.

11 8. Since I agreed to become a Class Representative, I have worked every
12 step of the way with my attorneys. During the course of the litigation I have always
13 kept the best interest of the Class Members on equal footing as mine. I have been,
14 and I am willing to continue to pursue the Class Members' claims vigorously on our
15 collective behalf if the Settlement is not finally approved. I continue to maintain the
16 Class Members best interest.

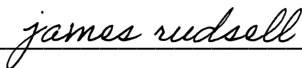
17 9. As a Class Representative, I estimate I have spent time at least 40 hours
18 working on this case. I have spent numerous hours consulting with my attorneys,
19 preparing discovery, consulting with other Class Members, providing documents to
20 my attorneys, working with my attorneys to review documents received, helping my
21 attorneys in preparing for the mediation and for settlement. I was consulted about the
22 status of the case and provided constant feedback about the case from my attorneys
23 including the mediation, settlement negotiations and eventual settlement.

24 10. From the beginning of this case, I have freely chosen to accept the risks of
25 being a Class Representative in this class action lawsuit. I chose to assume these risks
26 and pursue the claims on behalf of the Class Members as I wanted to vindicate their
27 rights. I believe we have achieved that result with the settlement and the individual
28

1 payments to the Class Members. I believe the settlement is fair reasonable and
2 adequate based on the numerous defenses asserted by Defendants. I believe the
3 efforts and work I put forth helped to achieve the fair settlement that will benefit the
4 Class Members. As a result of my efforts, I also believe the Class Representative
5 Payment is reasonable and I respectfully request the Court approve the amount of
6 \$5,000 as fair and reasonable.

7 11. Further, if I had lost the case, I understood I could potentially be liable to
8 Defendants for the fees and costs associated with defending this lawsuit. I freely
9 chose to accept these risks to confer a benefit on the class members and vindicate
10 their rights. Therefore, I further believe this forms the basis for the reasonableness of
11 the settlement and the requested enhancement of \$5,000.

12 I declare under penalty of perjury under the laws of the United States of
13 America that the foregoing is true and correct. Executed November 18, 2019,
14 Roseburg, Oregon.
15

16
17 

18 James Rudsell
19
20
21
22
23
24
25
26
27
28